

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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| In the Matter of |) | |
| |) | |
| Rates for Interstate Inmate Calling |) | WC Docket No. 12-375 |
| Services |) | |

PAY TEL COMMUNICATIONS, INC.'S COMMENTS
REGARDING SECURUS TECHNOLOGIES, INC.'S MOTION SEEKING EXTENSION
OF TIME TO SUBMIT ANNUAL ICS REPORTS
AND REQUEST FOR CLARIFICATION

Pay Tel Communications, Inc. ("Pay Tel"), through its attorneys, submits these comments in response to the Bureau's notice¹ seeking comments on Securus Technologies, Inc.'s ("Securus") motion seeking an extension of time to submit Annual Reports regarding its inmate calling services ("ICS"),² as required by section 64.6060 of the Commission's rules. Pay Tel also requests clarification regarding several questions that have arisen as it has reviewed the Annual Report form, FCC Form 2301(a), and accompanying instructions.

In its Motion, Securus asks that ICS providers not be required to file their first Annual Report until April 1, 2018, for reporting 2017 calendar year data. In the alternative, Securus requests that, at a minimum, the Commission should extend the deadline for reporting 2016 calendar year data until September 1, 2017. Securus supports its requests by noting that the Bureau's decision to set an Annual Report filing deadline of June 1, 2017, based on 2016 calendar year data, contravenes the full Commission's Second ICS Report and Order, which states that the

¹ See Public Notice, "Wireline Competition Bureau Seeks Comment on Securus Technologies, Inc.'s Motion for Extension of Annual Reporting Deadline," WC Docket No. 12-375, DA 17-249 (rel. Mar. 14, 2017).

² Securus Technologies, Inc., Motion for Extension, WC Docket No. 12-375 (filed Mar. 10, 2017) ("Securus Motion" or "Motion").

first Annual Report would cover data from the calendar year following OMB approval.³ In addition, Securus points out that several critical aspects of the Commission's Annual Report are implicated by the pending appeal from the Second ICS Report and Order and that efficiency would dictate an Annual Report filing deadline at some time after the Court has had an opportunity to rule on these issues.⁴

Pay Tel believes that Securus has identified valid concerns with the pending June 1, 2017 deadline for filing the Annual Report and, for that reason, supports its request for delay until at least September 1, 2017.

In addition, in reviewing the Annual Report form, FCC Form 2301(a), and the accompanying instructions, Pay Tel has identified several discrepancies regarding, or questions concerning, the information sought. Pay Tel attaches hereto as Exhibit A a list of these issues.⁵ Delaying the Annual Report filing deadline would give the Commission an opportunity to resolve these issues. Ensuring clarity on the data sought will aid both the parties and the Commission and help to enhance the utility of the data provided.

³ Securus Motion, at 2-3 (citing *Rates for Interstate Inmate Calling Services*, WC Docket No. 12-375, Second Report and Order and Third Further Notice of Proposed Rulemaking, FCC 15-136 (rel. Nov. 5, 2015), at ¶ 268 ("Second ICS Report and Order").

⁴ Securus Motion, at 3-4.

⁵ See Exhibit A.

Dated: March 28, 2017

Respectfully submitted,

PAY TEL COMMUNICATIONS, INC.



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EXHIBIT A

Pay Tel Communications, Inc.

**Requests for Clarification Regarding
Annual Reporting Requirement Form, FCC Form 2301(a)**

Below Pay Tel sets forth its questions regarding various Sections and Items (and the Instructions related thereto) in the Annual Reporting Form, FCC Form 2301(a).

Section I – Basic Information

Item 7. The Instructions ask that the ICS provider list the number of prisons in which the provider currently offers ICS.

- (1) Should providers include any prison served at any time during calendar year 2016, or only those served as of December 31, 2016?
- (2) Prisons are typically operated as a group under the governance of the State Department of Corrections (or other similar organization). Should providers report prisons by individual physical location (i.e. Northwest State Prison) or by the contracted group (i.e. XYZ State Department of Corrections)?
- (3) Based on the response to question (2) above, should providers assume the same approach when completing each table in the Annual Report Form?

Items 8-10. The Instructions ask that the ICS provider list the number of jails in which the provider currently offers ICS for jails with varying ADP.

- (1) Should providers include any jail served at any time during calendar year 2016, or only those served as of December 31, 2016?
- (2) Some jurisdictions have multiple jail facilities which operate as a group under the governance of the Sheriff's Office or Regional Jail Authority (or other similar organization). Should providers report jails by individual physical location (i.e. ABC County Jail) or by the contracting authority (ABC Sheriff's Department)?
- (3) In a few instances, multiple facilities are located at one physical location. An example of this would be a work release facility under the same roof as the main jail facility. How should such facilities be treated for reporting purposes (i.e., as one facility or multiple facilities)?

Sections II and II(a) – ICS Rates & Narrative Description of ICS Rates

- (1) Regarding "Intrastate Rate": Many providers have separate and distinct per-minute rates for local calls and intrastate long distance calls. Should providers list both rates in this

“Intrastate Rate” column, or enter “Yes” in the “Intrastate Rates Different from Listed Rate” column and utilize the “Narrative Description of ICS Rates” section and, if necessary, an appendix to detail the local rate?

- (2) Section II requests facility specific rates, but Items 1 and 2 in Section II(a) refer to average rates. Please clarify.
- (3) Rates changed for jails on June 20, 2016 due to the elimination of per-call charges and the transition to a per-minute rate for all intrastate calls. Should providers report the rate prior to June 20, 2016, or after June 20, 2016, or both?

Section III – Ancillary Service Charges

- (1) Regarding “Automated Payment Fees”: The Instructions refer to “bill processing fees”; please clarify what is meant by this term.
- (2) Regarding “Fees for Single Calls and Related Services”: Many single call payment options have two rate components: a payment fee and a per-minute rate for the call. Where that is the case, should the response to this item separately list the different rate components?
- (3) Regarding “Third-Party Financial Transaction Fees”: Should providers separately identify and list each third-party processor?
- (4) Regarding “Number of Times Each Fee Has Been Charged”: Customers may open an account to pay for calls from multiple facilities. Thus, fees are customer-specific, rather than facility-specific. How should a provider report this? Should a provider report an aggregate figure for all locations, or estimate a number of times each fee has been charged for each facility by allocating payments based on the number of calls?

A similar issue would exist with respect to third-party fees, as each fee cannot be tied to a particular facility. How should a provider report this? Should a provider report an aggregate figure for all locations, or estimate a number of times each fee has been charged for each facility by allocating payments based on the number of calls?

Section IV – Variable Site Commission Payments

- (1) Regarding “Monthly Amount of Variable Site Commission Payments”: The facilities served change throughout the year as new facilities are added and existing contracts expire. If a facility has been active for less than a full year, should the average be calculated over the number of active months only, or should reporting be limited to only those facilities that have been active for the full calendar year?

Section VI – Video Calling Services

- (1) Regarding “List of Ancillary Fees (types)”: The Instructions refer to “permitted” ancillary service charges. Please clarify what is meant by “permitted”—and, relatedly, “not permitted” in this context.
- (2) To the extent that Video Visitation services are provided through a third-party subcontractor, a provider does not have access to all of the information requested, including, for example, information about the number of times each fee has been charged. Please clarify how this should be reported.

Section VII – Disability Access

- (1) Providers may provide the necessary equipment (TTY devices) to facilities for processing of these calls over an administrative network. In such cases, there is no cost to the inmate or called party for these calls. How should this portion of the Annual Report be completed in such a situation?